

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Tohru ISHIZUYA et al.)	Confirmation No.: 2939
)	
Application No.: 10/676,733)	Group Art Unit: 2873
)	
Filed: October 2, 2003)	Examiner: E. Lester
)	
For: OPTICAL ELEMENT, THIN FILM)	
STRUCTURE, OPTICAL SWITCH,)	Mail Stop 313(c)
AND METHOD OF MANUFACTURING)	
OPTICAL ELEMENT)	

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HAND CARRY

Commissioner for Patents
OFFICE OF PETITIONS, Mail Stop 313(c)
600 Dulany Street
Madison West Bldg.
Alexandria, VA 22314
Telephone: 571-272-3282

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the document listed on the attached PTO Form 1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicants do not believe that a fee is due for filing this paper.

The US document listed in this Information Disclosure Statement was cited in a Partial European Search Report dated April 26, 2006, in a counterpart European patent application. A

copy of the Partial European Search Report and the non-US and non-patent listed documents are attached.

Applicants request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO Form 1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents is material or constitutes "Prior Art." If it should be determined that the listed documents do not constitute "Prior Art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over any of the listed documents, should any of the documents be applied against the claims of the present application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required,

including any required extension of time fees, or credit any overpayment to Deposit


Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR

EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By:


Bradford A. Cangro
Reg. No. 58,478

Dated: June 2, 2006

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INFORMATION DISCLOSURE CITATION				Attorney Docket No. 053847-5003		Application No. 10/676,733	
(Use several sheets if necessary)				Applicants: Tohru ISHIZUYA et al. PAGE 1 of 1			
PTO Form 1449				Filing Date: October 2, 2003		Group Art Unit: 2873	
U.S. PATENT DOCUMENTS							
*Examiner Initial		Document Number	Date	Name	Class	Sub Class	Filing Date
		5,945,898	Aug. 31, 1999	Judy et al.	335	78	May 31, 1996

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FOREIGN PATENT DOCUMENTS								
		Document Number	Date	Country	Class	Sub Class	<u>Translation</u> YES NO	
		EP 1120677	Aug. 1, 2001	EPO	---	---		
		EP 1103835	May 30, 2001	EPO				
		EP 1004910	May 31, 2000	EPO				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
		Miller et al., "MICROMACHINED ELECTROMAGNETIC SCANNING MIRRORS" Optical Engineering Soc. of Photo-Optical Instrumentation Engineers. Bellingham, US, vol. 36, no. 5, May 1977, pages 1399-1407.

Examiner	Date Considered
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Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.